

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

STEPHEN A. SMITH, as Special
Administrator of the Estate of Sharleen G.
Robson (deceased), and the Estate of Robert
W. Robson (deceased),

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Case No. 1:22-cv-01032-JLT-SAB

**ORDER VACATING ALL DATES AND
DEADLINES PURSUANT TO NOTICE OF
SETTLEMENT AND ORDERING
DISPOSITIONAL DOCUMENTS**

(ECF Nos. 50, 51)

JULY 18, 2024 DEADLINE

Plaintiff initiated this tax refund action against Defendants United States, the Department of Treasury, and the Internal Revenue Service on August 16, 2022. (ECF No. 1.) The United States, on behalf of Defendants, filed an answer to the complaint on March 6, 2023. (ECF No. 31.) An initial scheduling conference is currently scheduled for May 28, 2024. (ECF No. 49.)

On May 14, 2024, the parties filed a joint status report and stipulation to vacate joint scheduling report deadline and mandatory scheduling conference (ECF No. 50) proffering that the parties have reached a settlement resolving all of the claims in the complaint, which settlement has been approved by the authorized delegate of the Attorney General of the United States of America as confirmed by counsel for Defendant the United States in an Acceptance Letter dated May 13, 2024, addressed to counsel for Plaintiff. The parties proffer that under the terms of the agreed settlement, Plaintiff must provide an amended Federal income tax return for

1 Sharleen G. Robson and Robert W. Robson (collectively, the “Robsons”) for 2015 to compute
2 the amount of the Robsons’ overpayment of Federal income tax for 2015 per the agreed
3 settlement so the Internal Revenue Service can verify and approve the amount of such
4 overpayment of Federal income tax, and once that has occurred, within ten (10) days after
5 counsel for Defendant the United States has provided counsel for Plaintiff with written notice
6 thereof, the parties shall file a stipulation of voluntary dismissal with prejudice of this case. The
7 parties proffer they have agreed to file a joint status report with the Court on or before July 18,
8 2024 unless the stipulation of voluntary dismissal with prejudice of this case is filed with the
9 Court prior to that date.

10 Given the notice of settlement of this action, the Court finds good cause to grant the
11 parties’ request to vacate the scheduling conference currently set for May 28, 2024. “Upon such
12 notification of . . . resolution of an action . . . the Court shall fix a date upon which the
13 documents disposing of the action or motion must be filed, which date shall not be more than
14 twenty-one (21) days from the date of said notification, absent good cause.” E.D. Cal. L.R.
15 160(b). While the parties do not expressly request additional time to file dispositional
16 documents, they indicate a stipulation of voluntary dismissal may be filed on or before July 18,
17 2024. Based on the history of this action, the Court finds good cause exists to set the deadline to
18 file dispositional documents for July 18, 2024. Prior to the deadline, the parties may request an
19 extension through a stipulation demonstrating good cause for the extension. The parties are
20 advised that once the terms of a settlement agreement are finalized and the settlement agreement
21 is signed by the parties, dismissal is not dependent on performance but rather settlement of the
22 action.

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Accordingly, IT IS HEREBY ORDERED that:

1. All pending matters and dates, including the scheduling conference set for May 28, 2024, are VACATED; and
2. The parties shall file dispositional documents no later than **July 18, 2024**.

IT IS SO ORDERED.

Dated: **May 15, 2024**


UNITED STATES MAGISTRATE JUDGE